

**Probation Services Task Force Meeting
Marines Memorial Hotel, S.F.
Thursday
October 26, 2000**

Attendance: Hon. Patricia Bamattre-Manoukian, Hon. Denny Bungarz, Mr. Alan Crogan, Mr. Bill Davidson, Ms. Sheila Gonzalez, Mr. Bryce Johnson, Mr. Mike Johnson, Mr. Phil Kader, Hon. Bill Lebov, Mr. Bill Mahoney, Hon. Kevin McCarthy, Hon. Barbara McIver, Mr. Ralph Miller, Hon. Mike Nevin, Hon. Frank Ochoa, Mr. John Rhoads, Mr. Michael Roddy, Mr. Al Schuman, Mr. Carl Wicklund, Ms. Elizabeth Howard, Mr. Rubin Lopez, Ms. Lesley Allen, Ms. Audrey Evje, Mr. Peter Kiefer, Ms. Eve Sandler, Ms. Jennifer Walter, Mr. Joshua Weinstein, Mr. Jeff Winick

Roundtable introductions by everyone

Opening Remarks: Justice Manoukian

Procedures and Protocols

Probation Services Task Force Meetings are open to the public.

We will have a sign in sheet, so we know who the people are, so we can share that information with everyone. We may have people sitting in at our sub-committee meetings. There are people who have an interest in PSTF and we would like to see what agencies these people are from. As well, we may have members of the press here during some of our meetings.

We will have a lot of time to review the information in Binders that the CFCC has compiled for us. Outside individuals are not invited to engage in the dialogue of the conversation, but if they have questions or concerns, they can be addressed to Justice Manoukian at the break periods.

We will post our information and proceedings on the web site. The white papers and snapshot will be on a web page. Everything we do will be public information.

Comments by Justice Manoukian.

The snapshot reports, created by Al Schuman, were sent back to counties once completed, for the counties to comment on in regards to whether the information that

wasn't accurately reported or shared. This was an open process and reflects different views and different programs going on in the counties. Very nice job Al.

Justice Manoukian commented that she was a non-voting chair.

White Papers were a very informative reading, commendation on the white papers to Carl Wicklund.

Introduction of Carl Wicklund

Carl is the Executive Director of the American Probation and Parole Association (APPA), Director of the Council of State Governments, Center for Law & Justice

Carl Wicklund presents Overview of White Papers. (See Attachment)

Carl noted he was not the primary author of the White Papers, a very capable staff person Ph.D. Anne Crowe, who has written a number of publications for the APPA was the primary author while Carl worked closely with her on bringing these reports to fruition.

Background: APPA is a membership association that represents in excess of 30,000 adult and probation parole officers, in U.S., Canada, Korea, England, Ireland, Australia. Primarily the membership is from the United States. They provide training, research, technical assistance, information clearing house services and public relations for parole officers. APPA conducts two major trainings each year 1,000 – 2,500 people attend. APPA is funded by four federal agencies Justice, Transportation, Education, Health & Human Services.

Biggest task for White Papers was keeping them short. They could have put together and encyclopedia of information for the White Papers.

We have yet to find a probation system that has all the elements working for it. Reasons why we haven't found a perfect system are resources, politics, and the goodwill of people to do it.

Presentation handouts will be posted on website.

Information in the white papers is only as good as the people that provide it.

State by state breakdown.

60% of state probation services are directed by state level organizations. Slide 2 does not refer to funding; it is who is responsible for probation services.

There are all sorts of ways the probation can be administered. But ultimately it comes down to leadership, you need that person who can create partnerships, and bring people together, or it's not going to work. It's the leadership and not the structure.

Conditions of probation. There used to be about 10 conditions and now we have at least 20 conditions of probation especially in gang cases.

Should we be making recommendations in this Task Force, not to individual charges, but to the types of conditions one might consider in placing someone on probation ?

If you put certain conditions on an offender, you're setting up them to fail.

In Caseloads and Services subcommittee, should we be looking at conditions?
Short Answer is YES.

In Kentucky you have jailers elected in counties where there might not be a jail. Their primary job is to be transportation officials, to transport juveniles to detention facilities 120 miles away.

It is not uncommon for a state to have a mission and each county has it's own mission. We usually don't find a wide scope when we look at objectives, it is usually made be senior level officials, it should include stakeholders and short and long term objectives, agency objectives, union objectives, officer objectives, offender, contractor service objectives, objectives for sex offenders and are your objectives obtainable.

Low risk offenders, their recidivism rate actually goes up the more they're involved with probation and the research shows this.

Probation officers have become sanction officers and it doesn't work. The research is overwhelming, tail them, nail them and jail them doesn't work, will you take them off the streets, YES, are you really working towards long term public safety, NO, your not changing behavior.

Carl had a board of directors tell him, no you can't go after this grant because if it works, you're gonna come back and ask us to fund it when the grant is used up. If it is working, get it funded, you'll have to make adjustments in other places.

Lunch

Introduction of Alan Schuman

Al's C.V. is in back of your PSTF Binder.

Alan Schuman presents Snapshot Report (See Attachment)

Snapshot report will be available on website.

Al's snapshot report was just reporting what he saw and what was offered to him in the interviews. Now, this presentation gives him an opportunity to give his views and recommendations into the Snapshot Report.

We picked 6 counties for a broad spectrum of the representation and demographics of California.

There was no time for follow-up for stakeholder groups.

Cooperation from the counties was outstanding.

Range of mission statements was 15 years ago, to a few months ago in regards to how often they were updated.

No county carried the objectives in the mission statement down to every level of the organization. It's a crucial piece to make that tie in.

The way we created mission statements in Washington D.C.

Mission > Goals > Objectives. Then we passed it out among the staff, and gave them the opportunity to see if it made sense. It's very empowering and creates a clear direction for staff.

Most probation departments in California don't have enough staff to study data and do data analysis, so this is a big issue with medium and small size probation departments.

If you do performance measures, objectives, monitor and evaluations, you've got to have relationships with county supervisors who will commit to these programs, or everything this task force does won't make a bit of difference.

Management Information Systems, You can put millions and millions of dollars into a MIS system, but if you don't have staff to support this system, it's not going to work. We have to provide competitive salaries like the private work sector to get the personnel to make these systems work.

Remember L.A.A., you could get money to fund any probation program you could think of. So probation departments hired lots of staff and developed wonderful programs. Then the money dried up; probation still hasn't recovered from this approach, because people weren't saying, "What am I going to do when this grant runs out." Counties did not say, were going to fund this program, so you ended up losing chunks of probation services that were really good, and hence the community lost confidence in probation.

Al will never hire new staff on a grant, he'll buy equipment, and training stuff, computers, but he won't hire new staff on a grant.

So what you should address is the programs that work, when the economy drops, and it will, how will you keep the programs that work afloat. This is what you should address.

Risk Assessment Tools

The tool can be formed to the specific population in your jurisdiction. You start with a risk assessment tool, maybe the Wisconsin model and then you norm it to your particular jurisdiction. Now you have a document that follows the offender through the entire process from day one. At the end of the year you can run a report, and to see how the information was inputted, and you can custom tailor the software to your Probation Department. Then during pre-sentence you can have a report for say a drug-offender, that says, this person needs treatment.

In a lot of counties, they'll start over from scratch, if you have carry this information through the system and update continually, you won't have to waste resources.

We can't get information into the pre-sentence investigation because the court has already decided the offender will go on probation. Before they know the facts of the case. They've come up with a plea bargain whether is appropriate or not, so having an assessment tool before hand to put that information in the pre-sentence report might help the probation officer out but it's certainly not going to adjust the court's recommendation most normally.

When you have caseloads of 200 or 300, you just can't do assessments no matter how sophisticated your assessment tool is.

It's not that most probation departments are not inputting the information in, it's that nationally, automated systems are not used widespread, and a lot of counties are still catching up to that technology. (Carl)

The investment up front can save you time later on, how can you focus on your high-risk offenders if you haven't used a risk assessment tool to determine who they are. (Carl) You can't just go by just the offense; there are dynamic and stat factors that you have to consider. Just because something is automated doesn't relieve you of the time commitment, however, in the long run, it will help you out.

Al and Carl should feel free to give their observation and views in the sub-committees. (Justice Manoukian)

Our charge to assess the programs, services, organizational structures, And funding related to probation services provided by counties to the courts probationers, and the general public, membership on this task force represents a unique opportunity to critically examine Probation Services in California. I think we're off to a very good start. (Justice Manoukian)

Questions I would like to ask about representation of the Task Force.

I wanted to go over that and then throw out some questions for you to consider. The task force is structured as follows. The county had 6 appointments of CSAC. And the criteria involved urban, suburban, rural north and south. The court has six appointments, same criteria. 3 Probation Chiefs were appointed by CSAC, the Judicial Council and CPOC, 3 Probation Officers were appointed by CSAC, J.C and CPPCA, and the chief justice asked me to chair. We were talking about the stake-holders, we don't have a Public Defender or District Attorney, somebody from the dept of social services, representation from CBO, school representative, victims represented, and we don't have law enforcement represented. I wanted to raise this issue to you that it's essential in the work we do to involve all the stakeholders and there may be more that we missed.

State Dept and Mental Health should be consulted as well. Think about the following to involve these groups,

Think of 2, 3 or 4 groups that are critical, we have the ability not to enlarge the task force but the ability to invite who ever you believe is important to act as advisory members. We can invite them to join us at every meeting and join us in our discussions. We can invite them to sub-com meetings. We can schedule focus meetings to have broad-based representation from each group. We can consider other options to involve those individuals. My concern is to raise the question for consideration. Carl will be working with Relationships and Al will be working with Services and Standards.

It was suggested that you may want to review ideas from the brain-storming on Sept 29th, you may want to group similar ideas and identify and label common issues, prioritize the issues and then do action planning for each issue. It has been suggested

that a subcommittee member take the lead on each issue, on larger issues you may want to put two subcommittee members as the lead. We have the resources to bring in an expert that you feel would help your sub-committee or the task force, surveys and studies, we could ask 58 counties mission statements for adults and juveniles. Look at certain assessment tools and find out which counties are doing in terms of assessment, we have the ability to do site visits, and I getting a lot of pressure from Fresno to go their to look at services in Fresno. We've been invited to Fresno. If we do site visits, we may want to go to a county that hasn't been represented in the snapshot, we may also want to combine a meeting and a site visit. We have the ability to conduct public hearings so individuals who want to address these issues can come forward. Through publications and the website we can tell the public what issues we would like to hear about. Identify the action to be taken, the difficulties that will be faced, the time constraint that you are under, estimate when action should be taken, time needed to asses those issues and recommendations, and determine what the sub-committee will do and will bring back to the task force before the January meeting. Suggested approach.

Break into Sub-Committees for remainder of Afternoon.

**Probation Services Task Force Meeting
Marines Memorial Hotel, S.F.
Friday
October 27, 2000**

Attendance: Hon. Patricia Bamattre-Manoukian, Hon. Juan Arambula, Hon. Denny Bungarz, Mr. Alan Crogan, Mr. Bill Davidson, Ms. Sheila Gonzalez, Mr. Bryce Johnson, Mr. Mike Johnson, Mr. Phil Kader, Hon. Bill Lebov, Mr. Bill Mahoney, Hon. Kevin McCarthy, Hon. Barbara McIver, Mr. Ralph Miller, Hon. Mike Nevin, Hon. Frank Ochoa, Mr. John Rhoads, Mr. Michael Roddy, Mr. Al Schuman, Mr. Carl Wicklund, Ms. Elizabeth Howard, Mr. Rubin Lopez, Ms. Audrey Evje, Mr. Peter Kiefer, Ms. Jennifer Walter, Mr. Joshua Weinstein, Mr. Jeff Winick

Justice Manoukian raised the issue that there weren't stakeholders represented in the process. Should we include them as advisory members, certain meetings, some meetings, this is open for discussion.

Size of group as is, is too large. I don't have a problem with their input, but increasing the PSTF is too much. When we start developing plans and recommendations they should look it over to see if there is something we missed. (Bill Mahoney)

Discussion of narrowing the scope of responsibility of PSTF, and how it's critical if we are to meet the timeline. Broken Windows, Carl's Material, Al's Material, the Resource binder, and then you want to look more counties probation system its quite a weighty amount of material to sort through. Do we want to be very thin on all areas we cover? (Alan Crogan)

Suggestion of speaking with the Chief to extend the time period the task force has to work with if we keep broadening the scope of PSTF.

Would like to have stakeholders involved right from the very beginning. (Justice Manoukian)

I'm not sure we're really clear on our charge. (Denny Bungarz)

To quote from our Aug 29 like we got from the Chief Justice I see words like identify, ascertain, nature of scope, evaluate The Key phrase is "determine the appropriate relationships between probation services and the court," to me that is our charge, these other things are to try to get us there. We might want to get clear on a charge first; there is a lot of uncertainty on what really is our charge. Lots of folks here, and in our subcommittee are uncertain, what we really supposed to be doing.

Justice Manoukian read the charge from the appointment letter; "The charge of the task force is to assess the programs, services, organizational structures, and funding related to probation services provided by counties to the courts, probationers, and the general public. This task force presents a unique opportunity to critically examine probation services in California."

Justice Manoukian will clarify with William Vickery, but Justice Manoukian believes we have an open charge that is very broad. However, we can't look at everything.

Talk about leaving the discussion of funding out. There is a real problem in being in a rush to narrow down the scope of the Task Force, without talking about funding issues. You cannot exclude things that might not be important from one point a view (Manager), but very important from another point of view (Line Officer). We don't have to agree on it all, but I think it needs to be discussed.

The process is very important here and I'm a bit confused as to what are charge is if we choose to leave out something as integral as funding, which is a huge issue.

I thought our charge was supposed to be a lot broader, and people keep trying to narrow it down. (Ralph Miller)

Our charge is very broad and we are able to look at any issue. The composition of this task force is very broad we have line officers represented, management, courts, county

govt., and everyone's perspective is different, and in a year we cannot look at every issue, but we do have the ability to look at any issue we want to look at, focusing on relationships.

We have never taken a comprehensive look at probation in the state of California before, we've never looked at Standards and Services, individual probation officers, governments, this is the time to look at all of that.

We may need to redirect what we do, but understand that we can't look at everything.

I will speak with Bill and maybe the recommendation is we need more time to look at workload standards, training, and pay for line officers. The work we do here doesn't just effect mgmt; it effects every line officer that is out there carrying a caseload.
(Justice Manoukian)

An intricate part of in any discussion of education is teacher pay, teacher qualifications, teacher certification, and teacher benefits, to talk about reform in probation services without talking about issues like qualifications, benefits, pay, certification is a sham.
(Ralph Miller)

You have a lot of concentric circles of influence here. You may want to look at long and short term issues, what are the short term issues you can deal with now. What are the things that are going to require longer discussion, think of things that way because this discussion will occur, over and over and over again, unless you begin to nail down specific things. (Carl Wicklund)

We all recognize that we won't be able to tackle all the issues that have been raised in the course of the year, so we'll come up with recommendations for some issues and defer some issues for further discussion. (Denny Bungarz)
Should we do this, or should we go back and ask for more time.

We could identify short-term recommendations, and recommend in a year.
Long term recommendations, which we can identify, we should go back and ask for more time. In relationship issues, there are short-term issues we can identify. There are people in the legislature, that are waiting for our recommendations for the next legislative session. (Justice Manoukian)

If we can deal with our short-term objectives, we can springboard a lot of other issues, based on what our short-term recommendations are.

Presentation of Services and Caseloads Standards Subcommittee:

**PROBATION SERVICES TASK FORCE
MEETING NOTES (OCTOBER 26–27)**

Services and Caseloads Standards

Issue 1: Capacity for Evaluation

- a. Data with proper information systems
- b. Mission statements with goals and objectives

(Hon. Denny Bungarz & **Mr. Bill Mahoney** will take lead on Issue 1)

Issue 2: **Best practices**

- a. Appropriate Workload Standards
- b. Early Intervention Collaborative Programs
- c. Case Flow Management
 - i. incarceration vs. other programs
 - ii. detention alternatives
 - iii. disproportionate minority confinement

(Hon. Frank Ochoa, Mr. John Rhoads & **Mr. Phil Kader** will take lead on Issue 2)

Issue 3: Vision for Probation

- a. Recognition of standards of D.P.O.
- b. Suggested Standards
- c. Professional Status of Probation Officers
- d. Governmental Structure

(Ms. Sheila Gonzalez, Mr. Ralph Miller & **Hon. Kevin McCarthy** will take lead on Issue 3)

Issue 4: Educational Issues

- a. Learning disabilities
- b. Special education
- c. Schools as partners
- d. Probation/continuation schools

(Mr. Phil Kader, Mr. John Rhoads, Mr. Ralph Miller, Hon. Kevin McCarthy, **Hon. Juan Arambula** will take lead on Issue 4)

RESOURCES:

1: Survey

- a. Survey Elements
 - i. local history of probation services
 - ii. Present circumstances
 - what has worked
 - what hasn't worked
 - innovative programming
 - iii. Vision of future
- b. Who will be surveyed — 58
 - i. CPO—cover letter from Mr. Alan Crogan
 - ii. CAO—cover letter from Mr. Rubin Lopez
 - iii. PJ —letter from Justice Manoukian
 - iv. DA/PD (short form)
- c. Who will take lead?

Audrey will draft with input from Hon. Frank Ochoa, Mr. John Rhoads and Ms. Elizabeth Howard (CSAC)
- d. Timeline
 - i. Draft by November 3rd
 - ii. Back to AOC November 8th
 - iii. Send out November 17th
 - iv. Return to AOC December 15th
 - v. Results to PSTF Meeting, January 11th and 12th

2. Presentations

- a. Alan McCrea –family conferencing
- b. 8% Mike Schumaker
- c. Dan Byoes (AZ probation)
- d. AOC Juvenile Delinquency and the Court Conference January 25–27
- e. CJAC Conference February 1, 20001

**PRESENTATION OF RELATIONSHIP OF PROBATION TO COURT
AND COUNTY SUBCOMMITTEE:**

RELATIONSHIP OF PROBATION TO COURT AND COUNTY

Resources Needed:

1. information on different models of appointment/evaluation/removal

Possibility

Separate money from /appointment?

State responsibility for money? / appointment?

- Appointment Authority & Budgetary
- Authority and Responsibility should be concurrent
- Maximizing services
- IVD Commissions analogy or CDSS
- Need more written (and invited experts) information on national models

Factors:

locally responsive
good relationships

Impetus

concern about prison population and rising costs
community correction model (OH, MN, KS)
state money with performance outcomes
local money share

Invite?

Arizona

Tasks:

1. Survey
2. Invitations/written material
 - Identify jurisdictions
 - Identify **all** types of organizational structures
3. Action items and timeline

Survey Questions:

1. Describe how the selection process works in reality?
2. What is the method of removal?
3. Evaluation
4. Rank your preference and describe why
 - a. CPO selected
 - b. BOS appointed
 - c. BOS/concurrence judges
 - d. Appointed by Judges without BOS concurrence
 - e. other

1ST CONT'D •

Consult JS
Juvenile Justice Comm.
BOS
Rec. from outgoing CPO
Other comments

In lieu of 4.

Is it working/effective?
Why or why not

Organizational Authority

1. State Executive —C,Y,F Dir.
—DO Correct. Dir.
—Chair Board. Of Parole/Probation
(Ohio)
2. Local Executive —County BOS
—County CEO
(NY)
3. State Judicial —Chief Justice
(Mass)
4. Local Judicial —PJ
(KS) F= State, M= County

5. Combination
(Texas – State Money / Local Judicial. Appointment.)

Strategy

1. Preview system by interviewing different stakeholders with same questions.
2. “More successful” states

Note: CA and IND are the only two states where state does not fund probation.

3. Evaluation –personnel
–business plan
Do you evaluate –formal or informal?
How often?
When was the last time? By whom ?
Describe the evaluation process
4. How many for the last 10 years?
5. Does the CPO serve for a term of office?

Evaluating Models

Criteria:

1. Locally responsive with local board /local decision-making capacity
2. Adequately funded
3. Minimum service levels (maximizing)
4. Income, status, recruitment/retention
5. Nexus between money and appointment
6. State’s role
7. Court’s role
8. County’s role
9. Interagency collaboration (DSS
10. Const./legal mandate
11. Source of funding
12. Who is responsible for services?